

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 16410 of 2015

Date: 11.06.2015

Between:

Vavilapalli Kamalamma,
Srikakulam District.

.... Petitioner

And

State of Andhra Pradesh,
Rep. by its District Collector,
Srikakulam District and two others.

... Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 16410 of 2015

ORDER:

This Writ Petition was filed assailing the notice dated 18.05.2015 issued under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 (for brevity 'the Act of 1905') and the order dated 30.05.2015 issued under Section 6 of the Act of 1905.

This Court would not interfere with a notice issued under Section 7 of the Act of 1905, as it is for the addressee of such notice to appear before the authority and put forth his/her case.

In the present case, it appears that in response to the Section 7 notice dated 18.05.2015, the petitioner submitted her explanation which was received on 28.05.2015. Thereupon, the Tahsildar, Santhakaviti Mandal, Srikakulam District, passed the final order, under Section 6 of the Act of 1905, on 30.05.2015. However, perusal of the said order does not even indicate that the petitioner's explanation was taken into consideration. Further, no reasons are forthcoming therefrom as to why the authority passed the said order. When an explanation was called for and the authority exercised quasi-judicial powers, it was incumbent upon it to record reasons while passing the final order. The order in the present case falls woefully short as regards this aspect.

The order dated 30.05.2015 passed by the Tahsildar, Santhakaviti Mandal, Srikakulam District, is accordingly set aside and the matter is remitted to his file to pass appropriate reasoned orders in the matter, duly taking into consideration the petitioner's explanation which was received on 28.05.2015.

The Writ Petition is therefore allowed in part to the extent indicated above.

Pending Miscellaneous Petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date: 11.06.2015

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